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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,518	12/19/2003	Jung-Fu Chen	LITP0010USA	1517

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
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EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/707,518

Applicant(s)

CHEN ET AL.

Examiner

Matthew G. Kayrish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 is/are allowed.
- 6) ☒ Claim(s) 1-4-6 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 4-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (U.S. Publication Number 2003/0142610), in view of Denckert (U.S. Patent Number 4425016).
4. Regarding claims 1 and 7, Yeh et al disclose:

A locking member for use in an optical disk drive with a chassis (figure 1, item 1).

Yeh et al fails to disclose:

A hollow element including a hollow portion;

A protuberance, being integrally formed with the chassis and including a hole;

A rivet, extending through the hole of the protuberance and the hollow portion of the hollow element;

Wherein the rivet can be fixed to the chassis by riveting.

Denckert et al disclose:

A hollow element including a hollow portion (figure 1, item 17);

A protuberance, being integrally formed with the chassis and including a hole (figure 1, item 7);

A rivet, extending through the hole of the protuberance and the hollow portion of the hollow element (figure 1, item 4);

Wherein the rivet can be fixed to the chassis by riveting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yeh with the locking member being attached as taught by Denckert et al since the attachment of Denckert is more stable and easy to assemble.

5. Regarding claims 4 and 10, Yeh et al, in view of Denckert disclose:

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The locking member as claimed in claim 1, wherein the hollow element and the rivet are of metallic material (Paragraph 27).

6. Regarding claims 5 and 11, Yeh et al disclose:

The locking member as claimed in claim 1, wherein the hollow element and the rivet are of plastic (Paragraph 27).

7. Regarding claims 6 and 12, Yeh et al disclose:

The locking member as claimed in claim 1, wherein the shape of the rivet can be a circle, a square, a triangle, or a polygon (Figure 7, item 107, circle).

#### ***Allowable Subject Matter***

8. Claim 2, 3, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reasons for Allowance***

9. The following is an examiner's statement of reasons for allowance:

Claim 13 recites:

An optical disk drive, comprising:

A chassis;

A disk tray, positioned inside the chassis;

A locking mechanism, positioned on the disk tray;

A locking member, positioned on the chassis, the locking member having:

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A hollow element including a hollow portion;

A protuberance, being integrally formed with the chassis and including a hole; and

A rivet, extending through the hole of the protuberance and the hollow portion of the hollow element;

Wherein the locking mechanism of the disk tray pushes against the locking member of the chassis when the disk tray is pushed into the chassis, and wherein the locking mechanism of the disk tray does not contact the locking member of the chassis when the disk tray is pulled away from the chassis.

Claim 19 recites:

An optical disk drive, comprising:

A chassis with a hole;

A disk tray, positioned inside the chassis;

A locking mechanism, positioned on the disk tray;

A locking member, positioned on the chassis and extending through the hole of the chassis, the locking member having:

A base;

A tubular projection;

An enlarged portion, integrally formed with the base and tubular projection;

Wherein the disk tray is pushed into the chassis and the locking mechanism of the disk tray pushes against the locking member of the chassis,

and wherein the disk tray is pulled away from the chassis and the locking mechanism of the disk tray does not contact the locking member of the chassis.

10. These features in combination with the other features on the claims are not anticipated by, nor made obvious over the prior art of the record.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MK

12-5-2005



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